

22, 2010. Welch appeared and testified under oath. He did not consent to proceed before the United States Magistrate Judge.

Pursuant to this Court's Order entered on February 19, 2010, the Magistrate Judge entered findings of fact, conclusions of law, and a recommendation for disposition on July 27, 2010. Welch filed objections on August 13, 2010.

The undersigned United States District Judge has made an independent examination of the record in this case and has examined the findings, conclusions, and recommendation of the Magistrate Judge and considered Welch's objections. Based upon this Court's independent examination of the record of the evidentiary hearing, Welch's complaint, Welch's sworn testimony, and authenticated prison records, the Court finds the following:

1. Welch's objections should be overruled.
2. The Magistrate Judge's findings, conclusions, and recommendation should be accepted and adopted, and Welch's civil rights complaint and all claims alleged therein should be dismissed with prejudice as frivolous.

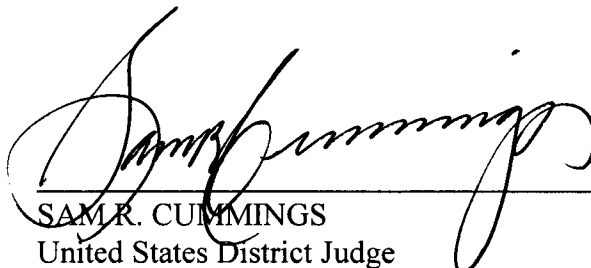
SO ORDERED.

Judgment shall be entered accordingly.

The dismissal of Welch's complaint shall count as a qualifying dismissal under 28 U.S.C. § 1915(g) and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

Any pending motions are denied.

Dated February 29, 2012.



SAM R. CUMMINGS
United States District Judge